

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Charles P. Kocoras	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	02 C 7103	DATE	1/9/2003
CASE TITLE	Brand vs. Rohr-Ville Motors, Inc.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due _____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☒ Status hearing set for 2/20/2003 at 9:30 A.M..
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] **ENTER MEMORANDUM OPINION:** Defendant's motion (Doc 4-1) to dismiss is denied. Defendant's motion (contained in said motion to dismiss) to have Standifer joined is granted. Brand is ordered to join Standifer within a reasonable period of time.

- (11) ☒ [For further detail see order attached to the original minute order.]


<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input checked="" type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	COURTROOM DEPUTY'S INITIALS SCT	U.S. DISTRICT COURT CLERK 03 JAN - 9 PM 2:26 FILED	number of notices	Document Number 7
			JAN 09 2003 date docketed	
			ADY docketing deputy initials	
			date mailed notice	
			mailing deputy initials	

Brand purchased a Kia automobile on credit from Rohr-Ville. Shortly thereafter, Rohr-Ville allegedly revoked its extension of credit to her and repossessed the vehicle in violation of the Illinois Commercial Code. Rohr-Ville allegedly never informed her why her application for financing was denied in violation of the Equal Credit Opportunity Act, 15 U.S.C. § 1691. It is also alleged that Rohr-Ville, when rejecting Brand's credit application and repossessing the vehicle, never provided the disclosure required by the Fair Credit Reporting Act, 15 U.S.C. § 1681.

Rohr-Ville alleges (and provides supporting documentation) that Michael Standifer co-purchased the Kia vehicle with Brand. Accordingly, Rohr-Ville seeks to dismiss the case or to have Standifer joined. Rule 12(b)(7) provides for dismissal of an action when there is a "failure to join a party under Rule 19." Fed. R. Civ. P. 12(b)(7). Rule 19(b) provides for dismissal only when a Rule 19(a) party "cannot be made a party". Fed. R. Civ. P. 19(b). Assuming for the moment that Standifer qualifies as a Rule 19(a) party, we note that the record is entirely devoid of any indication that he could not be made a party. Thus, the motion to dismiss is denied.

Rule 19(a), on the other hand, does grant some relief at this juncture. Under Rule 19(a) we will order a person to be joined if his absence would prevent complete relief from being conferred among those already parties or would leave any of them subject to a substantial risk of incurring double, multiple, or otherwise inconsistent liability. Fed. R. Civ. P. 19(a). Brand alleges that Rohr-Ville illegally seized the vehicle that she and Standifer purchased together. Brand does not dispute this and offers no reason for not joining Standifer in this action.

The motion to dismiss is denied. The motion to have Standifer joined is granted. Brand is ordered to join Standifer within a reasonable period of time.



Charles P. Kocoras
Chief Judge
United States District Court

Dated: JAN - 9 2003